

**STATE AND TRIBAL GOVERNMENT WORKING GROUP (STGWG)**  
**Richland, Washington**  
**May 24-25, 2006**

**KEY OUTCOMES**

**OVERVIEW**

- The members of STGWG appreciated the opportunity to take a guided tour of the Hanford Nuclear Reservation, as well as the willingness of DOE personnel to travel to Washington State for face-to-face discussions. Approximately 30 people participated in the tour on May 23, and approximately 50 people participated in the May 24 and 25 meetings.
- STGWG members look forward to future meetings with DOE to continue to specifically address the issues and concerns of all involved parties. One immediate focus area is finalization of the Implementation Framework.
- Gabriel Bohnee will be the Tribal Co-chair for the I&D Committee, and Russell Jim will be the Tribal Co-chair for the Transportation Committee.
- STGWG recommends that Utah be invited to become a member.

**DOE TRIBAL GOVERNMENT POLICY & IMPLEMENTATION FRAMEWORK**

- Tribes are uncertain as to what the perceived definition of "periodic" is with regard to the Tribal Summit.
- Tribes want to know if there will indeed be a Summit, and if so, whether it will be regional or national. If/when there is a Summit, tribes want to know what it will entail, who will participate from DOE, and whether tribes will have any input into the planning of such (e.g., dates, location, agenda).
- Tribes ultimately want to see all offices of DOE involved with the actual implementation of, and adherence to, the Tribal Government Policy through the Implementation Framework, not just EM. Tribes acknowledge that EM is a good place to start.
- Concerns exist about the effectiveness and enforceability of the Policy and Framework, and whether high-level DOE personnel with decision-making authority will comply with it.
- It is important to acknowledge and recognize both the similarities and differences between cultural resources and natural resources.

**TRIBAL ISSUES**

- A replacement for Steve Grey is needed, and tribes would like to have some input. The replacement should spend more time in Indian country.
- Concerns exist about the lack of attendance by DOE personnel who have actual decision-making authority when addressing issues within this forum. Tribes want to see DOE employees with such authority in future meetings to help facilitate prompt resolution of issues
- Lack of consultation with tribes (e.g., changing the Tribal Summit to "periodic" from "annual" without any discussions with tribes) is a continuing issue, as is an

apparent lack of understanding by DOE personnel about tribal sovereignty and treaty rights, which affects the trust relationship.

- Tribes are willing to educate new (and existing) DOE employees on such issues.
- Would like more information regarding DOE's Tribal Steering Committee.
- Miscommunication or lack of communication is a hindrance to accomplishments and good working relationships.

#### EM ISSUES

- Removal of plutonium from sites, and timelines for such.
- Budgetary issues are always prevalent; want to ensure dollars are efficiently/effectively spent.
- Must maintain political will for cleanups.
- Characterization - need this to facilitate cleanup and disposal.

#### HANFORD ISSUES

- Soil/water remediation is a priority, especially at Hanford. Concerns exist about pumpable wastes from tanks and the use/meaning of the word "mitigation."
- Many groundwater concerns have gone unanswered.
- Concerns with capping at Hanford; what is the long-term plan?
- Concerns about efforts to term-limit Hanford Advisory Board members; institutional knowledge on highly technical issues may be lost.

#### TRANSPORTATION ISSUES

- Regional groups requested more inclusion of shipment requirements under the NWPA in the Radioactive Material Transportation Practices Manual.
- DOE will not commit to how shipments of transuranic waste between sites will occur. Different protocols (presently, a case-by-case basis) should not be used between sites; DOE should consider following WIPP practices.
- States would like a more interactive document-formulation process (instead of just submitting comments that may or may not be recognized/incorporated).
- Interest is high regarding emergency preparedness, planning, and training.
- Tribes need to be consulted within government-to-government forums; need more face-to-face interactions.

#### LONG TERM STEWARDSHIP ISSUES

- With regard to long-term stewardship, concerns exist about how efforts can/will be coordinated amongst the different DOE offices. End-states need to be determined sooner in order to know what they are cleaning toward. Long-term stewardship should be factored in with cleanup (maximizing cleanup can minimize LTS).
- While it is recognized that planning for LTS is difficult at sites with a long term continuing mission, it is important that preliminary planning occur and LTS be considered in near term decisions.

#### INTEGRATION AND DISPOSITION

- Effective waste and materials management is critical to the success of the cleanup program. STGWG appreciates the update and stands ready to assist the department in reviewing data, strategies, etc. as they are released.
- STGWG will continue to monitor the Washington Cleanup Priority Act and other initiatives that may impact DOE waste management.

#### ACTION ITEMS

- Receive tribal comments on draft Implementation Framework by end of June, and have final draft to submit for DOE review by end of July.
- STGWG members will seek the opportunity to personally meet with senior DOE officials, possibly in September (before the full STGWG and Intergovernmental group meetings in winter), to finalize the Implementation Framework. Goal is a final version of the framework ready for full STGWG winter meeting.
- NCSL to possibly coordinate educational briefing(s) about consultation, tribal sovereignty and treaty rights for DOE employees and DOE Tribal Steering Committee meetings. Copies of two NCSL government-to-government publications, *Models of Cooperation Between States and Tribes* and *Understanding State and Tribal Governments*, have been provided to Melissa Nielson for distribution within DOE.
- Invite LM/LTS personnel to next meeting and add to agenda. A representative from LM should be added to the Tribal Steering Committee.
- Follow up on the recommendation of bringing state of Utah representation into STGWG.
- DOE and the National Association of Attorneys General are putting together a work group to address natural resource damage assessments (per Brian Hembacher) and would like to have some tribal representation in the group.
- Continue to engage and encourage the participation of state legislators. Representative McCoy of Washington State drafted a letter to Mr. Bodman and Mr. Rispoli stressing the importance of building trust relationships between tribes and DOE, and interacting on a *true* government-to-government basis: decision-makers meeting/consulting with decision-makers. Also, this is not just a tribal issue but a states' issue as well.
- Determine status and elements (e.g., date and agenda) of next Tribal Summit. Submit suggestions and a formal request to Michael Richard (DOE), and he will submit such to headquarters.
- Submit comments regarding replacement for Steve Grey to Michael Richard.
- Submit suggestions for action items for DOE Tribal Steering Committee meetings to Michael Richard.
- Armand Minthorn requested of John Sands a meeting between leaders of the Confederated Tribes of the Umatilla Indian Reservation and the person in charge of LTS at Hanford.
- Submit comments on relevant Federal Register notices (e.g., Disposition Draft Report, quality of life-cycle cost analysis used in disposal decisions).
- Next STGWG meeting (Autumn 2006) in conjunction with Intergovernmental Meeting. Tentative location for Spring 2007 meeting: New Mexico.